

1 HONORABLE MARSHA J. PECHMAN
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7 **UNITED STATES DISTRICT COURT**
8 **FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

9 NORTHSORE SHEET METAL, INC.,

10 Plaintiff,

11 v.

12 SHEET METAL WORKERS
13 INTERNATIONAL ASSOCIATION, LOCAL
14 66,

15 Defendant.

16 No. 2:15-CV-1349-MJP

17
18 **MOTION TO STRIKE NORTHSORE'S
19 REPLY TO LOCAL 66'S RESPONSE TO
20 MOTION FOR TEMPORARY
21 RESTRAINING ORDER**

22 Note on Motion Calendar: September 18,
23 2015

24 **STATEMENT OF FACTS**

25 On August 24, 2015, Plaintiff Northshore Sheet Metal, Inc. ("Northshore") filed a Motion
for Temporary Restraining Order against Defendant Sheet Metal Workers International
Association, Local 66 ("Local 66"). (Dkt. 3) The motion sought an order restraining Local 66's
strike activity against Northshore. (Id.) Also on August 24, 2015, Local 66 filed a response to
Northshore's Motion for Temporary Restraining Order. (Dkt. 9) On August 28, 2015,

RESPONSE TO NORTHSORE'S MOTION
FOR TEMPORARY RESTRAINING ORDER -
2:15-CV-1349-MJP - 1

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1 Northshore filed a Reply to Local 66's Response to Northshore's Motion for Temporary
2 Restraining Order. (Dkt. 12)

3 **ARGUMENT**

4 According to LCR 65(5), Northshore was not entitled to file a reply to Local 66's
5 Response. That rule states in relevant part:

6 (5) Response: Unless the court orders otherwise, the adverse party must (1) file a
7 notice indicating whether it plans to oppose the motion within twenty-four hours
8 after service of the motion, and (2) file its response, if any, within forty-eight
9 hours after the motion is served. The response may not exceed twenty-four pages
10 in length, and **no reply will be permitted**. If the movant meets the requirements
of Fed. R. Civ. P. 65(b), the court may grant the motion without awaiting a
response.

11 LCR 65(5) (Emphasis added)

12 Accordingly, Northshore was not entitled to file its reply and Local 66 hereby requests that it be
13 stricken.

14 **CONCLUSION**

15 For the foregoing reasons, the Court should strike Northshore's Reply to Local 66's
16 Response to Northshore's Motion for Temporary Restraining Order.

17 DATED this 31st day of August, 2015.

18
19 s/Daniel Hutzenbiler
20 Daniel Hutzenbiler, WSBA No. 36938
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RESPONSE TO NORTHSORE'S MOTION
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CERTIFICATE OF SERVICE

I hereby certify that on August 31st, 2015, I electronically filed the foregoing **MOTION TO STRIKE NORTHSORE'S REPLY TO LOCAL 66'S RESPONSE TO MOTION FOR TEMPORARY RESTRAINING ORDER** and **ORDER (PROPOSED)** ON DEFENDANT'S MOTION TO STRIKE NORTHSORE'S REPLY TO LOCAL 66;S **RESPONSE TO MOTION FOR TEMPORARY RESTRAINING ORDER** with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to the following:

Christopher L. Hilgenfeld
Davis Grimm Payne & Marra
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s/Daniel Hutzenbiler
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